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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/630,173

07/30/2003

Mark D. Chuey

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BROOKS KUSHMAN P.C. / LEAR CORPORATION
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075-1238

EXAMINER

SHIMIZU, MATSUICHIRO

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,173

Applicant(s)

CHUEY, MARK D.

Examiner

Matsuichiro Shimizu

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2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/10/04; 5/18/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: item 3 continuation: 12/16/04; 2/10/04; 1/12/04; 12/28/05.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1–6, 8–23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suman et al. (5,903,226) in view of Brinkmeyer et al. (5,940,007).

Regarding claims 1, 11–12, 16 and 26, Suman teaches a vehicle-based programmable appliance control system (Fig. 17b, col. 18, lines 38–57, trainable sw 525, 527 for transmitting or training) comprising:

a vehicle-based data communication bus and serial based (col. 16, lines 52, bus 465, 466, col. 17, lines 42–48 serial bus or leads 485 and 487);

at least one user activation input (Figs. 3 and 17, col. 1, line 5+, sw 192 in the housing module (fig. 3));

a bus interface transmitting an activation input signal over the data communication bus based on assertion of the at least one user activation input (Fig. 17b, Garage door opener (gdo) sw 527); and receiving at least one

programming input (col. 20, lines 16–26, one of three transmitters). But Suman is silent on

a radio frequency transmitter remotely located from a plural user activation inputs; and

control logic in communication with a plural user activation inputs and the transmitter, the control logic operative to generate control signals for transmitting an appliance activation signal based on receiving transmission of a plural activation input signals.

However, Brinkmeyer teaches, in the art of remote control system, a radio frequency transmitter (Fig. 1, col. 3, line 64+, key fob, 1 and gdo 2 and house door 3) remotely located from a plural user activation inputs (Fig. 1, col. 4, lines 40–52, a function 5 key for gdo 2 and house door 3); and

control logic in communication with the at least one user activation input and the transmitter, the control logic operative to generate control signals for transmitting an appliance activation signal based on receiving (Fig. 1, col. 3, line 64+, key fob, 1 and gdo 2) transmission of a plural user activation inputs (Fig. 1, col. 4, lines 40–52, a function 5 key for gdo 2 and house door 3) for the purpose of providing portable remote control.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a radio frequency transmitter remotely located from a plural user activation inputs; and

control logic in communication with the at least one user activation input and the transmitter, the control logic operative to generate control signals for transmitting an appliance activation signal based on receiving transmission of a plural user activation inputs in the device of Suman because Suman suggests a bus interface transmitting a user activation input over the data communication bus based on assertion of a user activation input and Brinkmeyer teaches a radio frequency transmitter remotely located from the a plural user activation inputs; and

control logic in communication with a plural user activation inputs and the transmitter, the control logic operative to generate control signals for transmitting an appliance activation signal based on receiving transmission of a plural user activation inputs for the purpose of providing portable remote control.

Regarding claims 2-3, 6 and 8, Suman teaches the at least one activation input comprises a plurality of switches, at least one graphical display control, at least one user indicator lamp and the user indicator generates an audible sound (led 198, multi-switches 192,194 and 196, display compass and temperature 531).

Regarding claims 4-5, Brinkmeyer teaches one graphical display control, audible sound (col. 6, line 53+, speaker 14; col. 4, line 54-58, gui or menu 10).

Regarding claims 9–10, 21, Suman in view of Brinkmeyer teaches a memory (Suman–col. 11, lines 38–57, EEPROM containing different frequency words) holding a plurality (Brinkmeyer–Fig. 1, col. 4, lines 40–52, a function 5 key for gdo 2 and house door 3) of activation schemes, each activation scheme providing characteristics for generating at least one appliance activation signal, and the control logic operative to receive data from the data port modifying the plurality of activation schemes (Brinkmeyer–Fig. 1, col. 4, lines 40–52, a function 5 key for gdo 2 and house door 3).

Regarding claims 13–15, Brinkmeyer teaches one programming input comprises a fixed code value (Fig. 4A, fixed code associated with a selected learn), a selection of one of a plurality of activation transmission schemes (Fig. 4A, fixed code associated with a selected learn 1–3), and the remotely controlled appliance is responsive to a fixed code activation signal.

Regarding claims 17–19 and 22–23, Suman in view of Brinkmeyer teaches the vehicle–based remote garage door opener of claim 16 wherein the at least one user input device is a plurality of switches (Brinkmeyer–Fig. 1, col. 4, lines 40–52, a function 5 key for gdo 2 and house door 3) each of which provides an activation input, a fixed code value from the at least one user input device and selection (Suman–Fig. 4A, code associated with learn1, 2 or 3), and

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one user output device (Suman—col. 15, lines 11–15, failure detection) in communication with the vehicle-based bus, and the received changes to the memory (Suman—resetting learn1, 2 or 3 to new transmitter).

Regarding claim 20, Brinkmeyer the control logic receive the selection signal in response to at least one test activation signal sent by the transmitter (Fig. 4A, test signal associated with operation position after learn).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suman in view of Brinkmeyer as applied to claim 1 above, and further in view of Ahn et al. (KA 2002078726).

Regarding claim 7, Suman in view of Brinkmeyer is silent on the at least one activation input comprises a voice recognizer.

However, Ahn teaches, in the art of remote control system, the at least one activation input comprises a voice recognizer (detailed description—controlling an operation of home appliances) for the purpose of providing voice command remote control. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the at least one activation input comprises a voice recognizer in the device of Suman because Suman suggest the control logic operative to generate control signals for transmitting an appliance activation signal based on receiving transmission of a plural activation input signals and Ahn teaches the at least one activation input comprises a voice recognizer for the purpose of providing voice command remote control.

Claims 24–25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suman in view of Brinkmeyer and Burgess (6,031,465).

All subject matters except the control logic in rolling code programming mode generating and transmitting a sequence of rolling code activation signals until user input indicates a successful rolling code transmission scheme in claims 24–25 are discussed above with regards to claim 26. Likewise, Burgess teaches, in the art of remote control system, the control logic in rolling code programming mode generating and transmitting a sequence of rolling code activation signals until user input indicates a successful rolling code transmission scheme (col. 4, lines 49–64, rolling-code type synchronization for maintaining proximity communication; col. 5, lines 12–20, establishing and maintaining synchronization) for the purpose of providing proximity communication. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the control logic in rolling code programming mode generating and transmitting a sequence of rolling code activation signals until user input indicates a successful rolling code transmission scheme in the device of Suman because Suman suggest the control logic operative to generate control signals for transmitting an appliance activation signal based on receiving transmission of a plural activation input signals and Burgess teaches the control logic in rolling code programming mode generating and transmitting a sequence of rolling code activation signals until user input indicates a successful rolling code transmission scheme for the purpose of providing proximity communication. Therefore rejection of the subject matters expressed in claims 24–25 are met by references and associated arguments applied to rejection of claim 26 and to rejection provided in the previous paragraph.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is 571-272-3066. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3068.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu
February 21, 2006



MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

